

STAYED,TYPE I-FOIA

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:15-cv-00999-APM**

LEOPOLD et al v. NATIONAL SECURITY AGENCY et al  
Assigned to: Judge Amit P. Mehta  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/24/2015  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**JASON LEOPOLD**

represented by **Jeffrey Louis Light**  
LAW OFFICES OF JEFFREY LIGHT  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**ALEXA O'BRIEN**

represented by **Jeffrey Louis Light**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**NATIONAL SECURITY AGENCY**

represented by **Marcia Kay Sowles**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20530  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Matthew Joseph Berns**  
NEW JERSEY DEPARTMENT OF LAW  
AND PUBLIC SAFETY  
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Email: [matthew.j.berns@usdoj.gov](mailto:matthew.j.berns@usdoj.gov)  
**TERMINATED: 02/08/2018**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Scott Douglas Levin**  
U.S. DEPARTMENT OF JUSTICE  
20 Massachusetts Avenue, NW  
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*TERMINATED: 01/21/2016*

**Defendant**

**DEPARTMENT OF HOMELAND  
SECURITY**

represented by **Marcia Kay Sowles**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Joseph Berns**  
(See above for address)  
*TERMINATED: 02/08/2018*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott Douglas Levin**  
(See above for address)  
*TERMINATED: 01/21/2016*

**Defendant**

**DEPARTMENT OF JUSTICE**

represented by **Marcia Kay Sowles**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Joseph Berns**  
(See above for address)  
*TERMINATED: 02/08/2018*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott Douglas Levin**  
(See above for address)  
*TERMINATED: 01/21/2016*

**Defendant**

**DEPARTMENT OF DEFENSE**

represented by **Marcia Kay Sowles**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Joseph Berns**  
(See above for address)  
*TERMINATED: 02/08/2018*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott Douglas Levin**  
(See above for address)  
*TERMINATED: 01/21/2016*

**Defendant**

**CENTRAL INTELLIGENCE  
AGENCY**  
Washington, DC 20505

represented by **Marcia Kay Sowles**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Joseph Berns**  
(See above for address)  
*TERMINATED: 02/08/2018*

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott Douglas Levin**  
 (See above for address)  
*TERMINATED: 01/21/2016*

**Defendant**

**U.S. DEPARTMENT OF STATE**

represented by **Marcia Kay Sowles**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Joseph Berns**  
 (See above for address)  
*TERMINATED: 02/08/2018*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott Douglas Levin**  
 (See above for address)  
*TERMINATED: 01/21/2016*

Date Filed	#	Docket Text
06/24/2015	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, NATIONAL SECURITY AGENCY ( Filing fee \$ 400 receipt number 0090-4150588) filed by JASON LEOPOLD, ALEXA O'BRIEN. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Light, Jeffrey) (Entered: 06/24/2015)
06/24/2015		Case Assigned to Judge Amit P. Mehta. rd) (Entered: 06/25/2015)
06/25/2015	<u>2</u>	SUMMONS (8) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, NATIONAL SECURITY AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Consent Form, # <u>2</u> Notice of Consent)(rd) (Entered: 06/25/2015)
06/25/2015	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 6/25/2015, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/25/2015. ( Answer due for ALL FEDERAL DEFENDANTS by 7/25/2015.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 06/25/2015. (Light, Jeffrey) (Entered: 06/25/2015)
07/23/2015	<u>4</u>	NOTICE of Appearance by Scott Douglas Levin on behalf of All Defendants (Levin, Scott) (Entered: 07/23/2015)
07/23/2015	<u>5</u>	Joint MOTION to Stay by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, NATIONAL SECURITY AGENCY (Levin, Scott) (Entered: 07/23/2015)
07/27/2015		MINUTE ORDER granting <u>5</u> Joint Motion to Stay. It is further ordered that (1) the matter is stayed until the filing of Plaintiffs' amended complaint; (2) upon the filing of Plaintiffs' amended complaint, the stay in this matter will be lifted; and (3) upon the filing of Plaintiffs' amended complaint, the parties will meet and confer and move the Court to set an agreed-to deadline, set at least thirty days after Plaintiffs file the amended complaint, for Defendants to file their response to the amended complaint. If Plaintiffs have not filed an amended complaint by August 12, 2015, the parties shall file a Joint Status Report on or before August 14, 2015, addressing the status of

		Plaintiffs' exhaustion of administrative remedies and the continued need for a stay. Signed by Judge Amit P. Mehta on 07/27/2015. (lcapm1) (Entered: 07/27/2015)
07/27/2015		Set/Reset Deadlines/Hearings: Amended complaint due by 8/12/2015. Joint status report due by 8/14/2015. Case Stayed. (cdw) (Entered: 07/28/2015)
08/09/2015	<u>6</u>	AMENDED COMPLAINT against CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE filed by ALEXA O'BRIEN, JASON LEOPOLD.(Light, Jeffrey) (Entered: 08/09/2015)
08/14/2015	<u>7</u>	Joint MOTION for Scheduling Order by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE (Levin, Scott) (Entered: 08/14/2015)
08/17/2015		MINUTE ORDER granting <u>7</u> Joint Motion for Scheduling Order. It is further ordered that Defendants shall file their response to Plaintiffs' Amended Complaint on or before September 16, 2015. In addition, parties shall file a Joint Status Report on or before October 2, 2015, which shall inform the court of the parties' efforts to clarify and narrow the scope of Plaintiffs' Freedom of Information Act requests. Signed by Judge Amit P. Mehta on 08/17/2015. (lcapm1) (Entered: 08/17/2015)
08/17/2015		Set/Reset Deadlines: Response to amended complaint due by 9/16/2015. Joint Status Report due by 10/2/2015. (zmm) (Entered: 08/17/2015)
09/16/2015	<u>8</u>	ANSWER to <u>6</u> Amended Complaint, by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. Related document: <u>6</u> Amended Complaint, filed by JASON LEOPOLD, ALEXA O'BRIEN. (Attachments: # <u>1</u> Exhibit 1 – NSA, # <u>2</u> Exhibit 2 – DHS–NPPD, # <u>3</u> Exhibit 3 – DHS–Privacy Office and Office of Policy, # <u>4</u> Exhibit 4 – DHS–S&T, # <u>5</u> Exhibit 5 – DHS–TSA, # <u>6</u> Exhibit 6 – DHS–OPS, # <u>7</u> Exhibit 7 – DHS–I&A, # <u>8</u> Exhibit 8 – DHS–Secret Service, # <u>9</u> Exhibit 9 – DHS–CBP, # <u>10</u> Exhibit 10 – DHS–ICE, # <u>11</u> Exhibit 11 – DHS–USCIS, # <u>12</u> Exhibit 12 – DOJ–FBI, # <u>13</u> Exhibit 13 – DOJ–Criminal Division, # <u>14</u> Exhibit 14 – DOJ–NSD, # <u>15</u> Exhibit 15 – DOD–Army, # <u>16</u> Exhibit 16 – DOD–DIA, # <u>17</u> Exhibit 17 – CIA, # <u>18</u> Exhibit 18 – DOS)(Levin, Scott) (Entered: 09/16/2015)
09/21/2015	<u>9</u>	ORDER. Both an amended complaint and an answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report not later than October 5, 2015. Please see the attached Order for additional details. Signed by Amit P. Mehta on 09/21/2015. (lcapm1) (Entered: 09/21/2015)
09/21/2015		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/5/2015. (cdw) (Entered: 09/22/2015)
10/02/2015	<u>10</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Levin, Scott) (Entered: 10/02/2015)
10/06/2015		MINUTE ORDER: As proposed in their Joint Status Report of October 2, 2015, the parties shall file another Joint Status Report on or before November 2, 2015. Signed by Judge Amit P. Mehta on 10/06/2015. (lcapm1) (Entered: 10/06/2015)
10/06/2015		Set/Reset Deadlines/Hearings: Joint Status Report due by 11/2/2015. (cdw) (Entered: 10/07/2015)
11/02/2015	<u>11</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Levin, Scott) (Entered: 11/02/2015)
11/03/2015		MINUTE ORDER: As proposed in their Joint Status Report of November 2, 2015, the parties shall file another Joint Status Report on or before December 2, 2015. Signed by

		Judge Amit P. Mehta on 11/03/2015. (lcapm1) (Entered: 11/03/2015)
11/03/2015		Set/Reset Deadlines/Hearings: Joint Status Report due by 12/2/2015. (cdw) (Entered: 11/04/2015)
12/02/2015	<u>12</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Levin, Scott) (Entered: 12/02/2015)
12/03/2015		MINUTE ORDER: As proposed in their Joint Status Report of December 2, 2015, the parties shall file another Joint Status Report on or before January 20, 2016. Signed by Judge Amit P. Mehta on 12/03/2015. (lcapm1) (Entered: 12/03/2015)
12/03/2015		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/20/2016. (cdw) (Entered: 12/03/2015)
01/20/2016	<u>13</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Levin, Scott) (Entered: 01/20/2016)
01/20/2016	<u>14</u>	ORDER setting production schedule, deadlines for monthly status reports, and a timeline in which parties should meet and confer and file a dispositive motions schedule. See attached Order for further details. Signed by Judge Amit P. Mehta on 01/20/2016. (lcapm1) (Entered: 01/20/2016)
01/21/2016	<u>15</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Matthew Joseph Berns on behalf of All Defendants Substituting for attorney Scott D. Levin (Berns, Matthew) (Entered: 01/21/2016)
04/20/2016	<u>16</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Berns, Matthew) (Entered: 04/20/2016)
07/20/2016	<u>17</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Berns, Matthew) (Entered: 07/20/2016)
10/19/2016	<u>18</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Berns, Matthew) (Entered: 10/19/2016)
01/18/2017	<u>19</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Berns, Matthew) (Entered: 01/18/2017)
04/19/2017	<u>20</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Berns, Matthew) (Entered: 04/19/2017)
07/19/2017	<u>21</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Berns, Matthew) (Entered: 07/19/2017)
10/18/2017	<u>22</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Berns, Matthew) (Entered: 10/18/2017)
01/09/2018		ENTERED IN ERROR.....MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, the following deadlines shall govern this matter: (1) Defendant shall produce at least the first 500 responsive pages to Plaintiffs on or before February



		20, 2018; (2) Defendant shall disclose to Plaintiffs the estimated total number of potentially responsive pages as soon as feasible, but at least prior to March 6, 2018; and (3) the parties shall file another Joint Status Report, on or before March 6, 2018, that updates the court on their progress and proposes a production schedule. Signed by Judge Amit P. Mehta on 01/09/2018. (lcapm1) Modified on 1/9/2018 (jf). (Entered: 01/09/2018)
01/09/2018		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry re MINUTE ORDER filed on 01/9/2018, Upon consideration of the parties' 13 Joint Status Report, the following deadlines shall govern this matter: (1) Defendant shall produce at least the first 500 responsive pages to Plaintiffs on or before February 20, 2018; (2) Defendant shall disclose to Plaintiffs the estimated total number of potentially responsive pages as soon as feasible, but at least prior to March 6, 2018; and (3) the parties shall file another Joint Status Report, on or before March 6, 2018, that updates the court on their progress and proposes a production schedule. Signed by Judge Amit P. Mehta on 01/09/2018. (lcapm1) Modified on 1/9/2018 was entered in error and counsel was instructed to disregard and will be refiled in the correct case. (jf) (Entered: 01/09/2018)
01/09/2018		ENTERED IN ERROR.....Set/Reset Deadlines/Hearings: Joint Status Report due by 3/6/2018. (zcdw) Modified on 1/10/2018 (zcdw). (Entered: 01/10/2018)
01/17/2018	<u>23</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Berns, Matthew) (Entered: 01/17/2018)
02/08/2018	<u>24</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Marcia Kay Sowles on behalf of All Defendants Substituting for attorney Matthew Berns (Sowles, Marcia) (Entered: 02/08/2018)
04/10/2018	<u>25</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Sowles, Marcia) (Entered: 04/10/2018)
07/18/2018	<u>26</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Sowles, Marcia) (Entered: 07/18/2018)
10/03/2018	<u>27</u>	NOTICE of Appearance by Marcia Kay Sowles on behalf of All Defendants (Sowles, Marcia) (Entered: 10/03/2018)
10/17/2018	<u>28</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE. (Sowles, Marcia) (Entered: 10/17/2018)
01/15/2019	<u>29</u>	Unopposed MOTION to Stay <i>Due to Lapse in Funding</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF STATE (Sowles, Marcia) (Entered: 01/15/2019)
01/15/2019		MINUTE ORDER granting <u>29</u> Defendants' Motion for a Stay. This matter is hereby stayed. Within three business days of Department of Justice operations resuming, Defendants shall notify the court by when the parties will file their Joint Status Report. Signed by Judge Amit P. Mehta on 01/15/2019. (lcapm1) (Entered: 01/15/2019)